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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,302	09/10/2003	Jeffrey M. Ayars	1224-2007109	5404
61857 7590 12/27/2007 AXIOS LAW GROUP, PLLC / REALNETWORKS, INC 1525 FOURTH AVENUE SUITE 800 SEATTLE, WA 98101			EXAMINER BESROUR, SAOUSSEN	
			ART UNIT 2131	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,302

Applicant(s)

AYARS ET AL.

Examiner

Saoussen Besrou

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-31 is/are rejected.
- 7) ☐ Claim(s) 24 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to amendment filed 9/4/2007. Claims 1-32 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument that Erickson does not teach "determining a first compression format," and "decompressing compressed data from the input file according to the first compression format," Examiner respectfully disagrees and would like to point out 0024-0026 where it states that when a calling application opens the outer DRM envelope and determines that a DRM mechanism has been specified, it knows by the given definition of the DRM format that it must first pass the content through the specified DRM mechanism and then must call the appropriate media handler to handle the content type. Such handling allows multi-step DRM mechanisms, with the content being passed through series of DRM mechanisms.

Allowable Subject Matter

3. **Claims 24 and 32** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-23, and 25-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Erickson et al. (20030046274)

As per **claim 1**, Erickson discloses: receiving electronic data (0019); receiving a selection of one of a plurality of digital rights management systems (0014, 0020); and encrypting the data in accordance with the selected digital rights management system (0024-0026).

As per **claim 8**, Erickson et al. discloses: receiving a plurality of digital data files, the files utilizing a plurality of different file format types (0019, 0021); receiving a selection of a plurality of file format types (0021); reformatting the files in accordance with the format types (0024-0026); receiving a user selection of a first digital rights management system, the first digital rights management system being one of a plurality of pre-determined digital rights management systems (0024-0026); encrypting the reformatted files according to the selected digital

rights management system (0024-0026); and transmitting the encrypted files to a plurality of consumers (0024-0026).

As per **claim 11 and 27**, Erickson discloses: receiving an identifier of an input file, the input file containing input data (0013); determining a first file format type used in the input data, the first file format type being one of a plurality of pre-determined file format types (0014 metadata); receiving an identifier of a first digital rights management system, the first digital rights management system being one of a plurality of pre-determined digital rights management systems (0014 metadata); retrieving unencrypted data from the input file (0015); encrypting the unencrypted data according to the first digital rights management system (0015, 0025); receiving an identifier of a second file format type for use in an output file, the second file format type being one of a plurality of pre-determined file format types (0015, 0021, create plug-in); and creating the output file according to the second file format type, wherein the output file contains the encrypted data (0015, 0021, create plug-in).

As per **claim 23**, Erickson discloses: first storage device storing an input data file (0019); a second storage device (0019-0021); a translation computer (0023-0027) ; a digital rights management system encryption library, accessible by the translation computer, the encryption library comprising a plurality of classes, each class configured to create a software module configured to encrypt data according to a particular digital rights management system (0024-0027); a file format type library, accessible by the translation computer, the file format type

library comprising a plurality of classes, each class configured to create a software module configured to read data using a different file format type (0024-0027); a file writer library, accessible by the translation computer, the file writer library comprising a plurality of classes, each class configured to create a software module configured to write to a different file format type (0024-0027); and a driver module configured to: determine a first file format type of the input file (0024-0027); obtain input data from the input file using a file format class corresponding to the first file format (0023); select a first digital rights management encrypting class from the plurality comprising the digital rights management systems library (0025); encrypt the input data according to the first digital rights management system encrypting class (0025); determine a second file format type for a data output file (0025-0027); and write the data output file containing the newly-encrypted data to the second storage device using a file writer class corresponding to the second file format type (0025-0027).

As per **claim 2**, rejected as applied to claim 1. Erickson discloses:
receiving
data encrypted according to a first digital rights management system, wherein the first and selected digital rights management systems are different (0024-0026).

As per **claim 3**, rejected as applied to claim 2. Erickson discloses:
decrypting the received electronic data according to the first digital rights management system (0025, 0028).

As per **claim 4**, rejected as applied to claim 1. Erickson discloses: receiving a selection of one of a plurality of compression techniques, and reformatting the received electronic data in accordance with the selected compression technique (0014-0015, 0024-0026).

As per **claim 5**, rejected as applied to claim 4. Erickson discloses wherein a consumer selects the digital rights management system and the compression technique (0014-0015, 0024-0026).

As per **claim 6**, rejected as applied to claim 4. Erickson discloses wherein an operator the digital rights management system and the compression technique (0014-0015).

As per **claim 7**, rejected as applied to claim 4. Erickson discloses wherein a software module is configured to select the digital rights management system and the compression technique (0014-0015).

As per **claim 9**, rejected as applied to claim 8. Erickson discloses: the least one of the received files is protected by a second digital rights management system, and further comprising decrypting the at least one file in accordance with the first digital rights management system prior to reformatting the at least one file (0024-0026).

As per **claim 10**, rejected as applied to claim 8. Furthermore, Erickson discloses: dynamically creating at least one of a format object or a writer object corresponding to the file format types of the received files and the selected file format types, and wherein reformatting the files comprises using the dynamically-created format object or writer object to reformat the files (00204-0026).

As per **claim 12**, rejected as applied to claim 11. Furthermore, Erickson discloses: determining a first compression format used in the input file (0013, 0026-0028).

As per **claim 13**, rejected as applied to Claim 12. Furthermore, Erickson discloses retrieving unencrypted data comprises decompressing compressed data from the input file according to the first compression format (0026-0028).

As per **claim 14**, rejected as applied to claim 12. Furthermore, Erickson discloses (i) receiving an identifier of a second compression format to be used in the output file, the format being one of a plurality of pre-determined compression formats, (ii) compressing the unencrypted data according to the second compression format, and (iii) encrypting the compressed unencrypted data (0013, 0021-0027).

As per **claim 15**, rejected as applies to Claim 11. Furthermore, Erickson discloses: receiving an identifier of a second digital rights management system used in the input file, the second digital rights management system being one of a plurality of pre-determined digital rights management systems (0024-0027)

As per **claim 16**, rejected as applied to claim 15. Furthermore, Erickson discloses decrypting the input data according to the rules of the second digital fights management system (0024-0027).

As per **claim 17**, rejected as applied to Claim 11. Furthermore, Erickson discloses generating digital rights management system rules, and writing the generated digital rights management system rules to the output file according to the first digital rights management system (0024-0027).

As per **claim 18**, rejected as applied to claim 15. Furthermore, Erickson discloses (i) retrieving digital fights management system rules from the input file, (ii) mapping the retrieved digital rights management rules to rules in accordance with the first digital fights management system, and (iii) writing the mapped rules to the output file (0027).

As per **claim 19**, Erickson et al. discloses: receiving electronic data encrypted according to a first digital fights management system (0019); receiving a selection of one a plurality of digital fights management systems to be applied to the data, wherein the first digital rights management system and the selected digital rights management system are different (0014-0015, 0020, 0024-0026).

As per **claim 20**, rejected as applied to 19. Erickson discloses: wherein the first and the selected digital fights management systems differ in that each uses different data encryption from the other (0024-0026).

As per **claim 21**, rejected as applied to claim 20. Erickson discloses: decompressing the received data according to a first compression technique and recompressing the decompressed received data according to a second compression technique (0021-0026).

As per **claim 22**, rejected as applied to claim 21. Furthermore, Erickson discloses: converting the data from a first file format type to a second file format type, wherein the second file format type is compatible with the selected digital rights management system (0024-0026).

As per **claim 25**, rejected as applied to claim 23. Furthermore, Erickson discloses: a digital rights management decryption library, accessible by the translation computer, the decryption library comprising a plurality of classes, each class configured to create a module configured to decrypt media content according to a particular digital rights management process, and the driver being further configured to (i) determine a second digital rights management system used by the input file, and (ii) decrypt the input data using a digital rights management decryption class corresponding to the second digital rights management system (0024-0027).

As per **claim 26**, rejected as applied to claim 23. Furthermore, Erickson discloses: a digital rights rules library, accessible by the translation computer, the digital rights rules library comprising a plurality of classes, each class comprising a plurality of data access rules compatible with the first digital rights management system (0015-0021).

As per **claim 28**, rejected as applied to claim 27. Furthermore, Erickson discloses: determine a first compression format used in the input file, and wherein retrieving unencrypted data from the input file comprises decompressing compressed data from the input file according to the first compression format (0024-0027).

As per **claim 29**, rejected as applied to claim 28. Furthermore, Erickson discloses: receiving an identifier of a second compression format, the second compression format being one of a plurality of pre-determined compression formats; compressing the unencrypted data according to the second

compression format; and wherein encrypting the unencrypted data comprises encrypting the compressed unencrypted data (0024-0027).

As per **claim 30**, rejected as applied to claim 27. Furthermore Erickson discloses: receiving an identifier of a second digital rights management system, the second digital rights management system being one of a plurality of pre-determined digital rights management systems, wherein retrieving unencrypted data from the input file comprises decrypting input data according to the rules of the second digital rights management system (0024-0027).

As per **claim 31**, rejected as applied to claim 27. Furthermore, Erickson discloses: generating digital rights management rules, and writing the generated digital rights management rules to the output file (0024-0027).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
December 6, 2007


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